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Letter dated 29 September 2015 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith a written statement from the delegation of Chile (see annex) in exercise of the right of reply to the statement made on 28 September 2015 by the President of the Plurinational State of Bolivia, Evo Morales, at the seventieth session of the General Assembly. I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly.

(*Signed*) Cristián **Barros**
Ambassador
Permanent Representative

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Annex to the letter dated 29 September 2015 from the Permanent Representative of Chile to the United Nations addressed to the President of the General Assembly

Reply of Chile to the statement made on 28 September 2015 by the President of the Plurinational State of Bolivia, Mr. Evo Morales, at the seventieth session of the General Assembly

In his statement at the seventieth session of the General Assembly, the President of the Plurinational State of Bolivia referred to bilateral relations with Chile.

In exercise of the right of reply to that statement, my delegation would like to refer to some assertions and comments made by the President of the Plurinational State of Bolivia in his statement to the meeting of the plenary on 28 September 2015.

In his statement, the Head of State referred to relations with Chile, and included erroneous historical references and unfounded legal allegations that have to be refuted.

As regards the origin of the nineteenth century dispute alluded to by Bolivia, the President omitted in his speech key background information that shows that Bolivia violated the Treaty of Limits of 1874 which established the conditions for saltpetre exports from Antofagasta, which, according to the Bolivian historian, Alcides Arguedas, was inhabited mainly by Chileans. In addition to breaching the Treaty and the contract covering saltpetre production, Bolivia rejected repeated invitations by Chile to use the arbitration agreed by both countries, seized goods and had them auctioned off in flagrant violation of existing agreements and the rights of the Antofagasta industrialists and workers. It is also worth noting that during the nineteenth century and even well into the twentieth century, Bolivia experienced territorial losses and changes on several occasions which had nothing to do with the State of Chile.

The negotiation of the 1904 Treaty of Peace and Friendship, more than twenty years after the truce agreed between both countries, and pursuant to terms proposed by Bolivia, definitively sealed the bilateral relationship and led to provisions and benefits for Bolivia, with which Chile has strictly complied.

The assertion by President Evo Morales that the International Court of Justice has ruled on the existence of matters pending in its judgment on the preliminary objection submitted by Chile, is also unfounded. The judgment issued on 24 September 2015 clearly indicated that the alleged "obligation to negotiate" submitted by Bolivia shall be examined in further proceedings, and that the Court is not competent to judge or rule on the existence of a right to sovereign access on the part of the neighbouring country, an obligation of result sought by Bolivia.

In addition to noting that these references are strictly bilateral in nature, this Permanent Mission believes that they are not within the jurisdiction of the United Nations and have no binding effects for Chile.